No. 190. 14.

FILED
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JAMES H. McKENN

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1897.

No. 190.

GREEN BAY & MISSISSIPPI CANAL COMPANY,

PLAINTIFF IN ERROR,

vs.

PATTEN PAPER COMPANY (LIMITED), UNION PULP COMPANY, FOX RIVER PULP & PAPER COMPANY, KAUKAUNA WATER POWER COMPANY, MATTHEW J. MEADE, HARRIET S. EDWARDS, MICHAEL A. HUNT, ANNA HUNT, HENRY HEWITT, JR., AUG. L. SMITH, KAUKAUNA PAPER COMPANY, AMERICAN PULP COMPANY, W. P. HEWITT, ET AL.,

DEFENDANTS IN ERROR.

Certified Copy Motion Filed in Court Below—Filed in this Court by Permission of the Court given November 1, 1897.

B. J. STEVENS (Madison, Wis.),
Solicitor for Green Bay & Mississippi Canal Co., Plaintiff in Error.

E. MARINER (Milwaukee, Wis.),
Of Counsel.

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PLAINTIFF IN ERROR,

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PATTEN PAPER COMPANY (LIMITED), UNION PULP COMPANY, FOX RIVER PULP & PAPER COMPANY, KAUKAUNA WATER POWER COMPANY, MATTHEW J. MEADE, HARRIET S. EDWARDS, MICHAEL A. HUNT, ANNA HUNT, HENRY HEWITT, JR., AUG. L. SMITH, KAUKAUNA PAPER COMPANY, AMERICAN PULP COMPANY, W. P. HEWITT ET AL.,
DEFENDANTS IN ERROR.

No. 190

For and on behalf of Mr. B. J. Stevens, solicitor, and Mr. E. Mariner, of counsel, for plaintiff in error, in the above-entitled cause, and by permission of the court heretofore, to wit, on the first day of November, 1897, granted, the following certified copy of a motion in said cause,

made in the Supreme Court of the State of Wisconsin, is herewith filed in this court in connection and for consideration with the motion to dismiss.

It is suggested that this motion filed in the court below may be considered a sufficient showing for this court to issue its writ of *certiorari*, should such action be deemed necessary, in order to have the record show the federal question involved.

JAMES K. REDINGTON,
Of Counsel.

STATE OF WISCONSIN—IN SUPREME COURT.

PATTEN PAPER COMPANY (Limited) *et al.*,
Plaintiffs and Respondents,
v.
KAUKAUNA WATER POWER COMPANY *et al.*,
Defendants and Respondents,
And Cross Action.

The above-entitled actions, if finally determined by the order or judgment of this court, do, as appellant is advised, involve federal questions which may be reviewed in the Supreme Court of the United States (Kaukauna Case, 142 U. S. 254–278–9).

And in case of such review the writ of error to operate as a supersedeas must be sued out within sixty days, Sundays excluded, from March 10, 1896, or failing that, the right to a supersedeas will be lost. It is not practicable under the practice of this court that the Canal Company's pending submitted motion in the nature of a motion for rehearing will be determined before that time will have run. Should this pending motion be not entertained by this court, but be dismissed for failure of presentation in time, the right to a supersedeas will be lost unless the court shall set aside and re-enter the order or judgment of March 10, 1896, so as to preserve the right to a supersedeas.

Wherefore, now comes the complainant Green Bay & Mississippi Canal Company, by B. J. Stevens and E. Mariner, its attorneys, and in case of a refusal by the court to entertain the pending motion in the nature of a rehearing, moves the court to set aside, even though it shall forth-

with re-enter its order or judgment of March 10, 1896, to the end that the right to a supersedeas may not be lost.

Memphis *v.* Brown, 94 U. S. 715.
Railway Co. *v.* Murphy, 111 U. S. 488.
93 U. S. 412, Op. 419.
U. S. R. S. § 1007.

E. MARINER AND
B. J. STEVENS,
Attorneys for Complainant G. B. & M. C. Co.

STATE OF WISCONSIN, }
SUPREME COURT. }

I, Clarence Kellogg, clerk of the Supreme Court of the State of Wisconsin, do hereby certify that I have compared the above and foregoing with the original brief and motion to re-enter its order or judgment of March 10, 1896, in case Canal Company's motion to vacate the same is denied, to the end that the right to a supersedeas may not be lost, on file in my office in the above-entitled cause, and that it is a correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Madison, the twenty-sixth day of October, A. D. 1897.

[SEAL.] CLARENCE KELLOGG,
Clerk of the Supreme Court of Wisconsin.